UNITED NATIONS

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Economic and Social Council

Distr.
GENERAL

E/CN.4/2002/NGO/156
18 February 2002

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 14 (d) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: OTHER VULNERABLE GROUPS AND INDIVIDUALS

Written statement* submitted by Survival International, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *0202010907*

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Violations of 'Bushman' peoples rights in southern Africa

While southern Africa works to put behind it the legacy of apartheid, there is one ethnic group which today still suffers from unacknowledged racist oppression and continuing loss of land. This is the group of peoples known variously by outsiders as San, Bushmen, or (in Botswana) Basarwa. (All these names are seen as derogatory by some people, but no other general term has yet been agreed; we use 'Bushman' because it is the most widely recognised.) They themselves prefer to use the name of each people, such as Ju/'hoansi, Hai//'om, or Khwe (Khoe).

In the last 300 years many have been wiped out, and most of the remainder deprived of their land and independence. While most of the killing was done by white settlers, both black and white have enslaved and exploited the Bushmen. According to the most recent estimates, the Bushmen of southern Africa amount to nearly 90,000 people,(of whom Botswana contains 47,675 and Namibia 32,000).

Their history of murder and oppression continues to mould the situation of the Bushman peoples today, as do the racist attitudes that justified it. This may take the obvious shape of contempt and ill treatment. However it can also take a more subtle form. Since their traditional way of life as hunter-gatherers is devalued and considered a miserable state, 'living like animals', it is seen as an act of kindness to change it, if necessary by force. This is exemplified by some aspects of the government of Botswana's 'Remote Area Dwellers' Programme', the logic of which is that Bushmen must be encouraged to discard their 'primitive' ways in order to be integrated into the mainstream.

In fact this view that Bushmen are 'backward' is itself extremely 'backward' and about thirty years behind the policies of many other nations, and current UN thinking. For instance, if one compares ILO Convention 169 on Tribal and Indigenous Peoples (1989) with the earlier Convention 107 (1957), the goal of 'their progressive integration' (Article, 2.1) has been abandoned, because it is recognised that this is simply a euphemism for destroying them. This has nothing to do with 'preserving' people in some imaginary 'primitive' state. Rather, as Convention 169 states (Article 7. 1.) they '...shall have the right to decide their own priorities for the process of development... and to exercise control...over their own economic, social and cultural development.' Integrating Bushmen into national society denies their right to be different and lead a life of their own choosing.

Land ownership rights

Prejudice is most clearly seen in the denial of the most fundamental right for tribal people, that of collective ownership of land, which is recognised in international law but is denied to virtually all Bushman peoples. Since the hunting and gathering lifestyle of the Bushmen has not been seen as a legitimate form of land use, they are believed to exercise no rights over land or natural resources, and hence they can be dispossessed without even being compensated.

In Botswana, the Central Kalahari Game Reserve was set up so that the G/wi and G//ana, whose ancestral territory it is, could live there in security; but in 1997 the government evicted the majority of them, many by force, to bleak resettlement camps where, unable to hunt and gather, they are entirely dependent on government handouts. Although some have returned and most continue to claim the land as their own by right, the government is determined to force the last remaining Bushmen out of the reserve. In August 2001 it announced that it would cut

off the water and other services to the Bushmen in the reserve. The government's ideology is driven by the notion that Bushmen are 'primitive and inferior' and aims to force them to abandon their land and way of life and integrate them into national society. It claims they are free to remain in the reserve, yet knows that if it cuts off the water, few if any will be able to remain on their land.

In Botswana, in spite of the fact that Bushmen are guaranteed land rights under Section 14(3) (c) of the constitution, in practice few have any. Local Land Boards may allocate land to individual, but permanent collective ownership is virtually nowhere recognised. Many Botswana Bushmen now live in settlements supposedly set up for their needs; however these are too small in area, tenure is not secure, and the water supply and facilities are frequently invaded by outsiders and their livestock, so that the Bushmen themselves are deprived and their environment degraded.

In Namibia most Bushmen, though still living on the land of their ancestors, do so as squatters on farms or on the fringes of towns, dependent on the landowners for even the most basic residence. Only the Ju/'hoansi and !Kung living in Tsumkwe District retain limited collective control over their land. However the fragility of these rights is shown by the current government plan to relocate 20,000 refugees to Tsumkwe West. The impact on the life and environment of the 4,500 mostly Bushman local population will be disastrous.

Most of the dispossession of the Bushmen has been to make way for farms and ranches, on which they have often become labourers. Some cattle barons still consider Bushmen their personal property and on white-owned farms, many continue to work for wages at or below subsistence level and often under appalling conditions.

Human rights

The Bushmen are under-represented in government at both national and local levels, and excluded from decision-making processes that affect them. State interventions on their behalf are characterised by lack of consultation, inflexibility and paternalism, while the officials who deal with them are commonly (with some praiseworthy exceptions) obstructive and patronising.

In Namibia, the Khwe of the Caprivi are being harassed and arrested without charge by the Namibian National Defence Force (NDF) and Special Field Force (SFF). Recently a Khwe man was reportedly killed by the NDF.

Their right to hunt in particular is curtailed or denied altogether. In Botswana, the abolition of 'special hunting licences' has made still harder the lives of those Bushmen who still depend on hunting, which is an important part of their subsistence and central to their culture and religion. Imprisonment of men for infringement, real or suspected, of these rules causes terrible hardship to families. Torture of men suspected by police and anti-poaching units has been reported repeatedly throughout the 1990s, and demands for independent investigation have gone unanswered.

Poverty and education

The loss of their land, livelihood an independence, has meant that the Bushmen became for the first time truly 'poor', deprived of entitlement to resources, to the extent of often going without food for days. Many rely for survival on unreliable government food aid or welfare payments, since they are no longer self-sufficient. They suffer widely from poverty-related diseases such

as TB, have little access to health care, and their life expectancy is considerably lower than national averages.

Very few Bushman children receive any formal education (in spite of some good initiatives such as that sponsored by the Namibian Ministry of Basic Education, Sport and Culture). In Namibia, fewer than one in five of school age attend school and only 1% of those who do start in primary school go on to secondary education. A major reason for the high dropout rate is the prejudice and ill treatment they meet with. Schools are frequently so far from the children's homes that they have to live in boarding hostels, often in miserable conditions. Girls are routinely exploited sexually, sometimes by their own teachers. All this is in contravention of the UN Convention on the Rights of the Child, to which Botswana and Namibia are signatories.

In these ways, the Bushmen today experience social and political alienation, and the demoralisation and lack of self-respect bred by 'internalised oppression'. The results are psychological depression, and high levels of alcohol abuse, domestic violence and crime.

Conclusion

Racist attitudes which originally led to the massacre, dispossession and impoverishment of the Bushmen still contribute to keeping them in destitution and depriving them of the rights which are theirs under international law, and in theory guaranteed by the constitutions of the nations in which they live. Unless fundamental rights such as that to land ownership are recognised urgently, the situation of the Bushmen will deteriorate further. Land is an intrinsic part of Bushman identity and loss of it leads to their destruction and disintegration as a people.

Survival calls upon the United Nations:

- to support the Bushmen's rights to collective land onwnership and to live in the way they choose, in line with its own Conventions, whether or not ratified by the states concerned

- to raise urgently with the government of Botswana the situation of the G/ana and G//wi Bushmen of the Central Kalahari Game Reserve, who will be forced to leave their land if the government cuts off their water

- to initiate an independent investigation into human rights abuses against the Bushman peoples

- to encourage the relevant governments to ratify international conventions on indigenous and tribal peoples

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